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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,134	05/15/2001	Samuel Cannavo	IFK-002.01 (21426-201)	1732

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EXAMINER
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SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/858,134

Applicant(s)

CANNAVO ET AL

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 2-10, 12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kambhatla et al. US 6,704,394.

1.1 Regarding claim 17, Kambhatla discloses a method for accessing voice mail (voice based communications system, or VCS) account from a remote server 200 in figures 2A, 3 and 10 (column 2, lines 30-42; column 5, lines 44-52). Kambhatla teaches:

accessing at least one voice mail account (column 4, lines 1-5; column 7, lines 59-67; column 8, lines 1-9);

receiving at least one verbal communication from the voice mail account (column 8, lines 9-12; column 9, lines 18-23, 26-30);

using voice recognition application to identify words, such as "no new messages" or "7 new messages", included in said verbal communication (column 2, lines 33-38; column 8, lines 50-67; column 9, lines 1-7, 18-23, 26-30);

applying the identified words to at least one natural language understanding rule (NLU) (column 3, lines 33-38; column 8, lines 55-67; column 10, lines 20-26); and

based on a result from said NLU, either sending terminating a connection to the voice mail account, or recording new messages (column 9, lines 18-49).

1.2 Regarding claim 2, Kambhatla teaches transmitting DTMF response to voice mail system 50 (column 9, lines 7-11).

1.3 Regarding claim 3, Kambhatla teaches accessing the voice mail account from a server (computer) database 300 (column 7, line 67; column 8, lines 1-9).

1.4 Regarding claims 4 and 5, Kambhaatla teaches established a connection with voice mail system 50 through a communications network, such as a telephone network (column 8, lines 6-9).

1.5 Regarding claim 6, Kambhatla teaches navigating through voice prompts form voice mail system 50, and notifying a subscriber if there are no new messages, or sending new messages a e-mail attachment to the subscriber (column 9, lines 1-11, 18-51).

1.6 Regarding claim 7, Kambhatla teaches sending new voicemail messages to the subscriber (column 9, lines 26-51).

1.7 Regarding claim 8, Kambhatla teaches sending new voicemail messages from a storage device 552 (column 9, lines 26-51).

1.8 Regarding claim 9, Kambhatla teaches sending an e-mail to the subscriber if there are no new messages (column 9, lines 18-26).

1.9 Regarding claim 10, Kambhatla teaches retrieving voice messages (column 3, lines 33-42).

1.10 Regarding claim 12, Kambhatla teaches prompting a subscriber for a password (figure 1C; column 7, line 67 to column 8, line 9; column 9, lines 11-21).

1.11 Regarding claim 18, Kambhatla discloses a system for accessing voice mail (voice based communications system, or VCS) account from a remote server 200 in figures 2A, 3 and 10 (column 2, lines 30-42; column 5, lines 44-52). Kambhatla teaches:

a transceiver (voice messaging interface 292 and data network interface 291) for accessing at least one voice mail account, and receiving at least one verbal

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communication from the voice mail account (column 4, lines 1-5; column 7, lines 59-67; column 8, lines 1-12; column 9, lines 18-23, 26-30);

voice recognition module (speech recognition unit 550) for identifying words, such as "no new messages" or "7 new messages", included in said verbal communication (column 2, lines 33-38; column 8, lines 50-67; column 9, lines 1-7, 18-23, 26-30);

a natural language understanding (NLU) module (speech recognition unit 550) for applying the identified words to at least one NLU rule (column 3, lines 33-38; column 8, lines 55-67; column 10, lines 20-26); and

a processor (dialog management unit 551) based on a result from said NLU, either sending terminating a connection to the voice mail account, or recording new messages (column 9, lines 18-49).

1.12 Regarding claims 14 and 16, Kambhatla teaches sending an e-mail message to a subscriber if there are no new messages (column 9, lines 18-25).

1.13 Regarding claim 15, Kambhatla teaches a users registry 300 for receiving users' data (column 7, line 67; column 8, lines 1-9).

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kambhatla et al. US 6,704,394 in view of Astarabadi US 5,822,405 in further view of Adler et al. US 5,367,561.

Kambhatla teaches accessing a voice based information communication system, such as a voicemail system 50, but fails to teach that the information is on a fee per call basis.

However, Astarabadi teaches assessing a voice-based information communication system, such as voice mail system, automatically from a computer 120 by using voice recognition technology (column 10, lines 11-18, 35-67; column 11, lines 9-13; column 12, lines 17-27, 60-67; column 14, lines 15-32, 63-67; column 15, 1-2, 15-25, 45-67; column 16, lines 1-15. Astarabadi further teaches accessing other voice based information communications, such as bank account information, stock market information and portfolio information.

In addition, Adler discloses an information accessing system in figures 1-3. Adler teaches a customer accessing a database such as a stock market information quote, or daily horoscope which charges the customer a fee based on the length of the call (column 6, lines 20-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kambhatla's reference with the teachings of Astarabadi and Adler, so that the a voice based information provider, such as stock market information, would have charged the user a fee per call, because such

modification would have enabled a voice-based information provider to recuperate operating expenses.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 2-12, 14-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,173,042(WU) discloses a system for enabling personal computer access to an interactive voice response system.

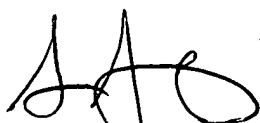
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



S. Sing.

01/18/2005

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